

ANTI-DISCRIMINATION CENTER, INC.

“One Community, No Exclusion”

February 10, 2023

Hon. Laura Taylor Swain
Chief Judge, U.S. District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO-ENDORSED

Re: Pending motions
Noel and Senat v. City of New York, 15-CV-5236 (LTS) (KHP)

Your Honor:

Plaintiffs’ motion for partial summary judgment and defendant’s “cross-motion” for summary judgment were fully briefed and submitted to the Court as of March 8, 2021.

During the nearly two years since that time, defendant has continued its outsider-restriction policy. There have been more than 100 lotteries completed or in process with a “community preference” component. Those lotteries encompass well over 11,000 apartments.¹ That means, first, that “insiders” directly got priority over “outsiders” for more than another 5,500 units. As for the other 5,500-plus units, “outsiders” faced the prospect of the other disadvantages of being pushed to the back of the line, including the risk that, by the time they were contacted, an apartment of the size that they required or in the affordability-range they needed may no longer have been available.

The point made by the Lawyers’ Committee for Civil Rights Under Law in its January 2021 *amicus* brief in support of plaintiffs’ motion remains true today: the stakes in this litigation are enormous. “[T]he positions urged on this Court by Defendant City of New York . . . would not only deprive the Plaintiffs (and hundreds of thousands of other New York City households) of their fair housing rights, but would, if accepted, also deal devastating blows to the ability of anyone in the United States to vindicate the rights guaranteed them by the FHA.” ECF 935, at 2.

The Court has the pending motions under consideration. The parties’ patience is appreciated.
SO ORDERED.
/s/ Laura Taylor Swain, Chief USDJ 2/14/23

Respectfully submitted,

Craig Gurian

Craig Gurian
Co-Counsel for Plaintiffs

¹ See addendum on the pages that follow.

Lotteries with outsider-restriction component and application deadline after 3/8/21

| ID | URL | Application Deadline | Lottery Units |
|-----------|---|-----------------------------|----------------------|
| 1815 | https://housingconnect.nyc.gov/PublicWeb/details/1815 | 04/05/21 | 35 |
| 2029 | https://housingconnect.nyc.gov/PublicWeb/details/2029 | 04/09/21 | 94 |
| 1988 | https://housingconnect.nyc.gov/PublicWeb/details/1988 | 04/12/21 | 89 |
| 2011 | https://housingconnect.nyc.gov/PublicWeb/details/2011 | 04/14/21 | 351 |
| 1959 | https://housingconnect.nyc.gov/PublicWeb/details/1959 | 04/20/21 | 101 |
| 2053 | https://housingconnect.nyc.gov/PublicWeb/details/2053 | 04/26/21 | 126 |
| 2021 | https://housingconnect.nyc.gov/PublicWeb/details/2021 | 04/27/21 | 156 |
| 2066 | https://housingconnect.nyc.gov/PublicWeb/details/2066 | 05/07/21 | 3 |
| 2008 | https://housingconnect.nyc.gov/PublicWeb/details/2008 | 05/11/21 | 9 |
| 2163 | https://housingconnect.nyc.gov/PublicWeb/details/2163 | 06/01/21 | 9 |
| 2127 | https://housingconnect.nyc.gov/PublicWeb/details/2127 | 06/08/21 | 106 |
| 2078 | https://housingconnect.nyc.gov/PublicWeb/details/2078 | 06/16/21 | 124 |
| 2116 | https://housingconnect.nyc.gov/PublicWeb/details/2116 | 06/18/21 | 79 |
| 2009 | https://housingconnect.nyc.gov/PublicWeb/details/2009 | 06/25/21 | 41 |
| 2088 | https://housingconnect.nyc.gov/PublicWeb/details/2088 | 07/13/21 | 101 |
| 2223 | https://housingconnect.nyc.gov/PublicWeb/details/2223 | 07/21/21 | 15 |
| 2139 | https://housingconnect.nyc.gov/PublicWeb/details/2139 | 07/29/21 | 45 |
| 2132 | https://housingconnect.nyc.gov/PublicWeb/details/2132 | 08/09/21 | 26 |
| 2195 | https://housingconnect.nyc.gov/PublicWeb/details/2195 | 08/09/21 | 175 |
| 2204 | https://housingconnect.nyc.gov/PublicWeb/details/2204 | 08/16/21 | 400 |
| 2161* | https://housingconnect.nyc.gov/PublicWeb/details/2161 | 08/24/21 | 1 |
| 2216 | https://housingconnect.nyc.gov/PublicWeb/details/2216 | 08/25/21 | 55 |
| 2241 | https://housingconnect.nyc.gov/PublicWeb/details/2241 | 08/25/21 | 254 |
| 2226 | https://housingconnect.nyc.gov/PublicWeb/details/2226 | 08/30/21 | 40 |
| 2188 | https://housingconnect.nyc.gov/PublicWeb/details/2188 | 09/13/21 | 534 |
| 2230 | https://housingconnect.nyc.gov/PublicWeb/details/2230 | 10/01/21 | 32 |
| 2276 | https://housingconnect.nyc.gov/PublicWeb/details/2276 | 10/04/21 | 281 |
| 2266 | https://housingconnect.nyc.gov/PublicWeb/details/2266 | 10/25/21 | 35 |
| 2202** | https://housingconnect.nyc.gov/PublicWeb/details/2202 | 11/15/21 | 42 |
| 2384 | https://housingconnect.nyc.gov/PublicWeb/details/2384 | 11/16/21 | 264 |
| 2321 | https://housingconnect.nyc.gov/PublicWeb/details/2321 | 11/23/21 | 30 |
| 2349 | https://housingconnect.nyc.gov/PublicWeb/details/2349 | 12/03/21 | 24 |
| 2400 | https://housingconnect.nyc.gov/PublicWeb/details/2400 | 12/08/21 | 247 |
| 2324 | https://housingconnect.nyc.gov/PublicWeb/details/2324 | 12/14/21 | 69 |
| 2301 | https://housingconnect.nyc.gov/PublicWeb/details/2301 | 12/20/21 | 36 |
| 2391 | https://housingconnect.nyc.gov/PublicWeb/details/2391 | 12/20/21 | 137 |
| 2447 | https://housingconnect.nyc.gov/PublicWeb/details/2447 | 01/04/22 | 17 |
| 2297 | https://housingconnect.nyc.gov/PublicWeb/details/2297 | 01/13/22 | 41 |
| 2441 | https://housingconnect.nyc.gov/PublicWeb/details/2441 | 01/17/22 | 270 |
| 2450 | https://housingconnect.nyc.gov/PublicWeb/details/2450 | 01/18/22 | 59 |
| 2499 | https://housingconnect.nyc.gov/PublicWeb/details/2499 | 02/07/22 | 353 |

Lotteries with outsider-restriction component and application deadline after 3/8/21

| ID | URL | Application Deadline | Lottery Units |
|-----------|---|-----------------------------|----------------------|
| 2525 | https://housingconnect.nyc.gov/PublicWeb/details/2525 | 02/10/22 | 201 |
| 2551 | https://housingconnect.nyc.gov/PublicWeb/details/2551 | 02/10/22 | 119 |
| 2577 | https://housingconnect.nyc.gov/PublicWeb/details/2577 | 02/17/22 | 59 |
| 2490 | https://housingconnect.nyc.gov/PublicWeb/details/2490 | 02/19/22 | 24 |
| 2524 | https://housingconnect.nyc.gov/PublicWeb/details/2524 | 02/21/22 | 164 |
| 2563 | https://housingconnect.nyc.gov/PublicWeb/details/2563 | 02/21/22 | 692 |
| 2294 | https://housingconnect.nyc.gov/PublicWeb/details/2294 | 02/25/22 | 324 |
| 2492 | https://housingconnect.nyc.gov/PublicWeb/details/2492 | 03/16/22 | 48 |
| 2475 | https://housingconnect.nyc.gov/PublicWeb/details/2475 | 03/24/22 | 31 |
| 2501 | https://housingconnect.nyc.gov/PublicWeb/details/2501 | 04/01/22 | 48 |
| 2671 | https://housingconnect.nyc.gov/PublicWeb/details/2671 | 04/02/22 | 219 |
| 2313 | https://housingconnect.nyc.gov/PublicWeb/details/2313 | 04/04/22 | 205 |
| 2601 | https://housingconnect.nyc.gov/PublicWeb/details/2601 | 04/05/22 | 117 |
| 2684 | https://housingconnect.nyc.gov/PublicWeb/details/2684 | 04/11/22 | 277 |
| 2571 | https://housingconnect.nyc.gov/PublicWeb/details/2571 | 04/15/22 | 16 |
| 2585 | https://housingconnect.nyc.gov/PublicWeb/details/2585 | 04/18/22 | 28 |
| 2597 | https://housingconnect.nyc.gov/PublicWeb/details/2597 | 04/18/22 | 89 |
| 2655 | https://housingconnect.nyc.gov/PublicWeb/details/2655 | 04/19/22 | 125 |
| 2663 | https://housingconnect.nyc.gov/PublicWeb/details/2663 | 04/19/22 | 37 |
| 2484 | https://housingconnect.nyc.gov/PublicWeb/details/2484 | 04/20/22 | 26 |
| 2848 | https://housingconnect.nyc.gov/PublicWeb/details/2848 | 05/18/22 | 6 |
| 2775 | https://housingconnect.nyc.gov/PublicWeb/details/2775 | 05/20/22 | 50 |
| 2708 | https://housingconnect.nyc.gov/PublicWeb/details/2708 | 05/23/22 | 20 |
| 2855 | https://housingconnect.nyc.gov/PublicWeb/details/2855 | 05/31/22 | 6 |
| 2610 | https://housingconnect.nyc.gov/PublicWeb/details/2610 | 06/21/22 | 44 |
| 2849 | https://housingconnect.nyc.gov/PublicWeb/details/2849 | 06/27/22 | 225 |
| 2750 | https://housingconnect.nyc.gov/PublicWeb/details/2750 | 07/01/22 | 15 |
| 2760 | https://housingconnect.nyc.gov/PublicWeb/details/2760 | 07/01/22 | 185 |
| 2783 | https://housingconnect.nyc.gov/PublicWeb/details/2783 | 07/07/22 | 80 |
| 2959 | https://housingconnect.nyc.gov/PublicWeb/details/2959 | 08/01/22 | 268 |
| 2821 | https://housingconnect.nyc.gov/PublicWeb/details/2821 | 08/05/22 | 57 |
| 2889 | https://housingconnect.nyc.gov/PublicWeb/details/2889 | 08/09/22 | 235 |
| 2977 | https://housingconnect.nyc.gov/PublicWeb/details/2977 | 08/18/22 | 76 |
| 2896 | https://housingconnect.nyc.gov/PublicWeb/details/2896 | 08/24/22 | 24 |
| 3065 | https://housingconnect.nyc.gov/PublicWeb/details/3065 | 08/26/22 | 10 |
| 2847 | https://housingconnect.nyc.gov/PublicWeb/details/2847 | 08/30/22 | 32 |
| 2838 | https://housingconnect.nyc.gov/PublicWeb/details/2838 | 09/10/22 | 35 |
| 3007 | https://housingconnect.nyc.gov/PublicWeb/details/3007 | 09/19/22 | 224 |
| 3069 | https://housingconnect.nyc.gov/PublicWeb/details/3069 | 09/19/22 | 160 |
| 3071 | https://housingconnect.nyc.gov/PublicWeb/details/3071 | 09/28/22 | 463 |
| 2446 | https://housingconnect.nyc.gov/PublicWeb/details/2446 | 10/04/22 | 23 |

Lotteries with outsider-restriction component and application deadline after 3/8/21

| ID | URL | Application Deadline | Lottery Units |
|-----------|---|-----------------------------|----------------------|
| 3118 | https://housingconnect.nyc.gov/PublicWeb/details/3118 | 10/12/22 | 14 |
| 3120 | https://housingconnect.nyc.gov/PublicWeb/details/3120 | 10/31/22 | 43 |
| 2932 | https://housingconnect.nyc.gov/PublicWeb/details/2932 | 11/01/22 | 37 |
| 3169 | https://housingconnect.nyc.gov/PublicWeb/details/3169 | 11/07/22 | 7 |
| 3191 | https://housingconnect.nyc.gov/PublicWeb/details/3191 | 11/10/22 | 19 |
| 3157 | https://housingconnect.nyc.gov/PublicWeb/details/3157 | 11/14/22 | 160 |
| 3176 | https://housingconnect.nyc.gov/PublicWeb/details/3176 | 11/21/22 | 145 |
| 3314 | https://housingconnect.nyc.gov/PublicWeb/details/3314 | 11/25/22 | 38 |
| 3229 | https://housingconnect.nyc.gov/PublicWeb/details/3229 | 12/05/22 | 86 |
| 3134 | https://housingconnect.nyc.gov/PublicWeb/details/3134 | 12/12/22 | 37 |
| 3225 | https://housingconnect.nyc.gov/PublicWeb/details/3225 | 12/15/22 | 25 |
| 3154 | https://housingconnect.nyc.gov/PublicWeb/details/3154 | 12/27/22 | 42 |
| 3036 | https://housingconnect.nyc.gov/PublicWeb/details/3036 | 01/03/23 | 41 |
| 3292 | https://housingconnect.nyc.gov/PublicWeb/details/3292 | 01/04/23 | 199 |
| 3244 | https://housingconnect.nyc.gov/PublicWeb/details/3244 | 01/09/23 | 77 |
| 3228 | https://housingconnect.nyc.gov/PublicWeb/details/3228 | 01/10/23 | 14 |
| 3084 | https://housingconnect.nyc.gov/PublicWeb/details/3084 | 01/13/23 | 72 |
| 3218 | https://housingconnect.nyc.gov/PublicWeb/details/3218 | 01/13/23 | 39 |
| 3249 | https://housingconnect.nyc.gov/PublicWeb/details/3249 | 01/30/23 | 66 |
| 3431 | https://housingconnect.nyc.gov/PublicWeb/details/3431 | 02/10/23 | 122 |
| 3285 | https://housingconnect.nyc.gov/PublicWeb/details/3285 | 02/15/23 | 15 |
| 3321 | https://housingconnect.nyc.gov/PublicWeb/details/3321 | 02/20/23 | 45 |
| 3400 | https://housingconnect.nyc.gov/PublicWeb/details/3400 | 03/21/23 | 53 |
| 3399 | https://housingconnect.nyc.gov/PublicWeb/details/3399 | 03/27/23 | 144 |
| 3384 | https://housingconnect.nyc.gov/PublicWeb/details/3384 | 04/03/23 | 38 |
| 3330 | https://housingconnect.nyc.gov/PublicWeb/details/3330 | 04/11/23 | 27 |
| 3427 | https://housingconnect.nyc.gov/PublicWeb/details/3427 | 04/11/23 | 137 |
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| | | | 11,735 |
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| | * 100 percent community preference | | |
| | ** 40 percent community preference | | |